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IN THE

DISTRICT COURT OF THE UNITED STATES, WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION

IN EQUITY. No. 2449.

TEXAS AND NEW ORLEANS RAILROAD COMPANY
ET AL.,

Petitioners,

vs.

THE UNITED STATES OF AMERICA,

Defendant,

AND

INTERSTATE COMMERCE COMMISSION,

Intervening Defendant.

Statement of Jurisdiction.

To the Honorable Albert L. Reeves, Judge of the District Court of the United States for the Western District of Missouri:

Pursuant to paragraph 1 of Rule 12 of the Rules of the Supreme Court of the United States, the petitioners in the cause styled, numbered, and pending as above, to wit, Texas and New Orleans Railroad Company *et al.*, submit the following jurisdictional statement with their petition for the allowance of an appeal:

This is a suit to enjoin, set aside and annul Fourth Section Order No. 11340, entered by the Interstate Commerce Commission on July 24, 1933, and also an order thereafter entered by it, to wit, on December 11, 1933, in a consolidated proceeding pending before it entitled *Western Horse and Mule Rates*, including I. C. C. Docket No. 12358, entitled Texas Livestock Shippers Protective League *et al. v.* Director General, as Agent, Abilene & Southern Railway Company, *et al.*; I. C. C. Docket No. 11018, entitled Wichita Board of Commerce *et al. v.* Director General of Railroads, as Agent, Alexandria and Western Railway Company, *et al.*; I. C. C. Docket No. 13001, entitled Chamber of Commerce of Kansas City, Mo., *v.* Alexandria and Western Railway Company *et al.*; No. 13619, Ross Bros. Horse and Mule Company *et al. v.* Union Pacific Railroad Company *et al.*; I. C. C. Docket No. 13627, Burnett-Yount Horse and Mule Company *et al. v.* Abilene & Southern Railway Company *et al.*; Investigation and Suspension Docket No. 1483, entitled Horses and Mules from Kansas City, Mo., and Wichita, Kans., to New Orleans, La., Memphis, Tenn., and other points, and Investigation and Suspension Docket No. 2389, entitled Rates on Horses and Mules To, From, or Between Southwestern Points, as well as certain other causes on the docket of said Commission with which this action is not concerned. The effect of the aforesaid orders of said Interstate Commerce Commission, if permitted to become operative, will be to compel petitioners to establish and maintain lower rates on carload shipments on horses and mules to, from, and between the points involved in the respective causes enumerated above, which are located, broadly speaking, in the southwestern States of Arkansas, Louisiana, Oklahoma, and Texas, as well as portions of New Mexico and Colorado, which are lower and less compensatory to petitioners than the corresponding rates presently in effect on such traffic, which rates were heretofore pre-

scribed or authorized by said Commission in the same proceedings, all to the great detriment and injury of petitioners. It is a direct appeal, as of right, under Sections 47, 47a and 345 of Title 28 of the Code of Laws of the United States, taken from final decree entered by a statutory three-judge court, composed of Circuit Judge Arba S. Van Valkenburgh and District Judges Albert L. Reeves and Merrill E. Otis, on June 7, 1934, dismissing petitioners' amended bill of complaint.

Petitioners' application for the allowance of an appeal was filed and is now presented to the above-named District Judge this 10th day of July, 1934.

The following cases sustain the jurisdiction of the Supreme Court:

Baltimore & Ohio R. R. Co. v. *United States*, 264 U. S. 258.

Virginian R. R. Co. v. *United States*, 272 U. S. 658.

Beaumont, S. L. & W. Ry. Co. v. *United States*, 282 U. S. 74.

Atchison, T. & S. F. Ry. Co. v. *United States*, 284 U. S. 248.

State of Texas v. *United States*, 292 U. S. 522.

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Of Counsel.